

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

CHECK BOX, if applicable
 DUPLICATE

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

I hereby certify that this correspondence is being sent by facsimile transmission to:

Examiner P. Ponnaluri at Fax No.: 703-305-3014

On May 8, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: *Bruce Faulk Henley*

*Attorney Docket No.
of Prior Application*

018547004131

First Named Inventor

Cronin, M.

Examiner Name

P. Ponnaluri

Group Art Unit

1627

*H/P
BCH
5/9/01*

CONFIDENTIAL

This is a request for a continuation or divisional application under 37 CFR 1.53(d).

(continued prosecution application (CPA) of prior application number 09/510,378

filed on February 22, 2000 entitled ARRAYS OF NUCLEIC ACID PROBES ON BIOLOGICAL CHIPS.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 36 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request. 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
 - a. **DELETE** the following inventor(s) named in the prior nonprovisional application: *095102 00*

 - b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent (PTO/SB/01) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. PTO-1449
 - b. Copies of IDS Citations

00000002 201430	00000002 201430	01 FC:131
710.00 CH	252.00 CH	02 FC:103
252.00 CH	240.00 CH	03 FC:102

MAY. 8. 2001 7:50AM

TTC PALO ALTO

NO. 0603 P. 3

PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (i))	34-20*	14	x \$18=	\$252	
INDEPENDENT CLAIMS 37 CFR 1.16(b) or (i))	6-3** =	3	x \$80=	\$240	
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			x =		
			BASIC FEE (37 CFR 1.18)	\$710	
			Total of above Calculations =	\$1,202.00	
			Reduction by 50% for filing by small entity (Note 37 CFR 1.27). • Reissue claims in excess of 20 and over original patent. • Reissue Independent claims over original patent.		
			TOTAL =	\$1,202.00	

6. Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 20-1430:
- Fees required under 37 CFR 1.16.
 - Fees required under 37 CFR 1.17.
 - Fees required under 37 CFR 1.18.
8. A check in the amount of \$ _____ is enclosed.
9. Payment by credit card. Form PTO-2038 is attached.
10. Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) enclosed.
11. New Attorney Docket Number, if desired
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
b. Return Receipt Postcard (Should be specifically itemized. See MPEP 503)
13. Other: _____

NOTE: If more than one application is filed, correspondence for each application will be sent to the address provided below.

14. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	Customer No. 20350 (Insert Customer No. or Attach bar code label here)	<input type="checkbox"/> New correspondence address below
Name		
Address		
City	State	Zip Code
Country	Telephone	Fax

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Joe Liebeschuetz
Signature	<i>J. Liebeschuetz</i>
Registration No. (Attorney/Agent)	37,505
Date	May 7, 2001

[Page 2 of 2]

Atty Docket No. 018547004131

FAX RECEIVED

PTO FAX NO.: 703-305-3014

MAY 8 2001

ATTENTION: Examiner P. Ponnaluri
Group Art Unit 1627

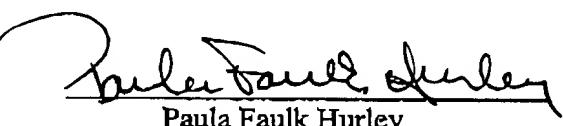
GROUP 1600

OFFICIAL COMMUNICATION**FOR THE PERSONAL ATTENTION OF
EXAMINER P. PONNALURI****CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents, in re Application of Cronin et al., Serial No. 09/510,378, filed February 22, 2000 for ARRAYS OF NUCLEIC ACID PROBES ON BIOLOGICAL CHIPS is being facsimile transmitted to the Patent and Trademark Office on the date shown below: CPA Request Transmittal and duplicate copy (4 pp.); Receipt for Facsimile Transmitted CPA (1 p.), and Preliminary Amendment (11 pp.).

Number of pages being transmitted, including this page: 17

Dated: May 8, 2001


Paula Faulk Hurley

*PLEASE CONFIRM RECEIPT OF THIS PAPER BY
RETURN FACSIMILE AT (650) 326-2422*

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834
Telephone: (650) 326-2400 Fax: (650) 326-2422
PA 3144202 v1